



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Jeffrey E. Thomas

Title : NITRIC OXIDE DONOR COMPOSITIONS,
METHODS, APPARATUS, AND KITS
FOR PREVENTING OR ALLEVIATING
VASOCONSTRICTION OR
VASOSPASM IN A MAMMAL

Application No. : 10/068,551

Filing Date : February 5, 2002

Confirmation No. : 8294

Docket No. : 26998-2

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Dear Sir:

In response to the Examiner's statement of reasons for allowance, Applicant wishes to comment on the limitations recited by the Examiner. Applicant respectfully submits that the Examiner's statement should have additionally recited that, *inter alia*, the prior art does not teach or render obvious claim 51, a device for delivering a pharmacological agent in solution, the

device comprising a first hollow body having a flow orifice, a first fluid access port, and a first pressure orifice, each in fluid communication with the interior of the first hollow body, a second hollow body for containing the pharmacological agent, the second body having a second fluid access port in fluid communication with the interior of the second hollow body and in fluid communication with the first fluid access port, and an outlet port in fluid communication with the interior of the second hollow body, a first pressure modulator connected to the first pressure orifice, and a valve having an inlet orifice coupled to the outlet port and an outlet orifice, wherein the valve permits fluid flow in the direction from the inlet orifice to the outlet orifice.

Although applicant believes no fees are due, the Office is authorized to charge any additional fees or credit any overpayments to Deposit Account 02-2051, identifying our Docket No. 26998-2.

Respectfully submitted,

BENESCH, FRIEDLANDER
COPLAN & ARONOFF LLP

Dated: 8/9/04

Todd Sladek

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SUBMISSION OF REPLACEMENT DRAWING

Dear Sir:

This is in response to the Notice of Allowance dated May 14, 2004, issued in connection with the above-referenced application. Submitted herewith is a replacement sheet containing a drawing (Figure 9) illustrating the elements shown in the claims as filed and described in the

specification as filed. The replacement drawing sheet meets the requirements of 37 CFR 1.84(c) and 1.121(d). The drawing is not believed to contain any new matter.


CONCLUSION

Applicant appreciates the Examiner's attention to this matter. While no fees are believed to be due for this filing, the Office is authorized to charge any additional fees or credit any overpayments to Deposit Account 02-2051, identifying our Docket No. 26998-2.

Respectfully submitted,

BENESCH, FRIEDLANDER
COPLAN & ARONOFF LLP

Dated: 8/9/04



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SERIAL NO. : 10/068,551

FILED : February 5, 2002

EXAMINER : Cris Loiren Rodriquez

ART UNIT : 3763

CONFIRMATION NO. : 8294

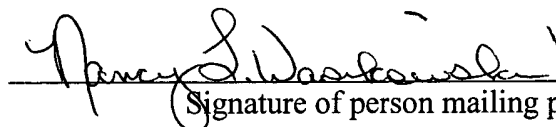
ATTORNEY DOCKET NO. : 26998-2

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that the below-identified papers are being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" on **August 9, 2004**, in an envelope addressed to: **Mail Stop ISSUE FEE**, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

Nancy L. Wasikowski

(type or print name of person mailing paper)


Signature of person mailing paper

Items enclosed herewith:

1. Issue Fee Transmittal;
2. PTO-2038 Credit Card Authorization;
3. PTO/SB/122 Change of Correspondence Address;
4. Submission of Replacement Drawing;
5. Comments on Statement of Reasons for Allowance; and
6. Return Receipt Postcard.